IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4664 OF 2004

M/s.Leela Travel and Ors. .. Petitioners

Versus

M/s.Rupee Coop.Bank Ltd.

and Ors. .. Respondents.

Mr.S.N.Deshpande for petitioners

Mr.C.P.Deogirikar for respondent No.1

Mr.A.H.Palekar, A.G.P. for respondent State.

CORAM : A.M.KHANWILKAR, J.

DATE : SEPTEMBER 1, 2004.

P.C.

1. This writ petition takes exception to the recovery certificate issued by the Dy.Registrar,

Cooperative Societies under section 101 of the Maharashtra Cooperative Societies Act. It cannot be disputed that statutory remedy of revision is provided for to question the correctness of recovery certificate under section 154 of the Act. Without taking recourse to that remedy, the petitioners have directly approached this Court. As efficacious remedy is available to the petitioner, I find no reason to interfere with the impugned certificate in exercise of writ of jurisdiction. To get over this position, Counsel for the petitioner submits that the Deputy Registrar, has issued recovery certificate without analysing the stand taken on behalf of the petitioners that the amount claimed by the respondent bank was not received by the petitioners at all. It is not possible to accept this submission as from the decision of the Deputy Registrar, it is clear that he has adverted to all the relevant documents on record to hold that the petitioner was liable to pay

amount as specified in the recovery certificate. Assuming that there is grievance regarding the correctness of the amount claimed by the respondent bank, that grievance can be effectively answeresd in the revision application as provided under section 154 of the Act. Hence, no interference in exercise of writ jurisdiction is warranted. Petition is dismissed. Petitioners are, however, granted liberty to file revision application under section 154. Such revision be filed within two weeks from today. If revision is filed within two weeks from today, the revisional authority will entertain and decide the same on its own merits in accordance with the law, without being influenced by the observations made in this order. In case the revision application is filed beyond two weeks time, it will be open to the respondent bank to oppose the revision application on the ground that the same is barred by limitation.

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